

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
MARK NUNEZ, et. al,

Index No. 11 Civ. 5845 (LTS)(JCF)

Plaintiffs,

**DECLARATION OF
FIRST DEPUTY COMMISSIONER
FRANCIS TORRES**

-against-

CITY OF NEW YORK, ET AL.,

Defendants.

----- x
UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

-against-

CITY OF NEW YORK and NEW YORK CITY
DEPARTMENT OF CORRECTIONS,

Defendants.

----- x
FRANCIS TORRES declares under penalty of perjury and pursuant to 28 U.S.C. § 1746,
that the following is true and correct:

1. I am the First Deputy Commissioner (“FDC”) for the New York City Department of Correction (“DOC”), a position I have held since February 2, 2024. Before that, I served as Deputy Commissioner of the Division of Programs and Community Partnerships (“DPCP”) since 2021. In all, I have 35 years experience in the field of social services, 21 of which have been at DOC.

A. Emerging Adults

2. As Deputy Commissioner of DPCP, and now as FDC, I am deeply committed to improving the lives of those in our custody, especially those between 18 and 21 years old, our

“emerging adults.” These individuals often lack role models and turn to gangs for support. They can be violence-prone, but they can also grow. What is needed are individuals to serve as role models - - steady staff, who work with them regularly on an extended basis; credible messengers, who share similar lived experiences and now have successful lives; chaplains, who can minister to them - - all working together to affect change.

3. What I am describing is often called a Direct Supervision Model. It is premised on the belief that the supervision of troubled youth requires steady staff, both uniformed and non-uniformed, doing steady tours and communicating with each other regularly. An officer on one shift should not leave without informing an officer on the next about the day’s events - - who is exhibiting negative behaviors and who has special needs. Staffing ratios must be low enough that individualized attention is possible, and control is maintained.

B. Other Initiatives

4. Other programs for emerging adults, some prior to February 2022 and some since, bear mention. In November 2021, DOC opened School Houses for those emergent adults¹ who are dedicated to advancing their formal education. We now have additional classrooms where college prep and GED courses are offered, including courses with Columbia University.

5. In June 2022, we sponsored a Fatherless No More Initiative led by former NFL player and now Pastor Tim Johnson. The goal of the program, which lasted five months, was to address fatherhood issues through steps from confession to forgiveness to reconciliation. Pastor Johnson continues to come to RNDC monthly to conduct sessions, for a complete week, to serve emergent adults who continue to express interest in the program. The Program continues to be supported by the two original officers.

¹ The Department defines an emergent adult as an individual of the age of 18 to 21.

6. SCO Family of Services, a not for profit, provides a Young Adult Working Program (YAWP), which focuses on pre- and post-release work readiness. It also provides Therapeutic Case Managers (TCM) for individuals in need.

7. Emergent adults have regular access to comprehensive reentry programming through contracts between the Mayor's Office of Criminal Justice ("MOCJ") and outside providers.

C. The RNDC Violence Reduction Plan (February 2022)

8. In my time at DOC, I have focused much of my attention on programs for "emerging adults." These individuals are housed in the Robert N. Davoren Center ("RNDC").

9. Principal among the programs that I helped oversee was the RNDC Violence Reduction Plan, which was unveiled in February 2022. Among its components were these: the assignment of "credible messengers" to work with the population; the assignment of counselors to reduce idle time and address rehabilitative needs; congregate events; the introduction of mobile libraries; and the emphasis on officers using interpersonal skills to diffuse conflict.

10. Following the introduction of the Violence Reduction Plan, stabbings and slashings at RNDC, in a review of data from the Incident Reporting System, showed there was a 57% decrease between the first six months of 2023 compared to the first six months of 2022.

D. The RNDC Programs Action Plan

11. In the fall of 2023, after steady declines, slashings and stabbings at RNDC increased. Part of the reason for the increase was that staffing was reduced because of other perceived needs. It was clear to me that we had to return to basics and redouble our efforts.

12. We have now developed a new plan - - the RNDC Programs Action Plan, which the Monitor has approved and is being implemented. It is based on the Direct Supervision Model

and has these components among others: Most 18-year-olds will be consolidated in five units at RNDC in Building Two. Eighteen to 21-year-olds will be housed together to create more cohesive housing units. (Experience shows that housing 18-year-olds separately leads to increased violence and management challenges.) We will increase the number of programming staff assigned to the units. There will be steady uniform and non-uniformed staff assigned to build rapport between staff and incarcerated individuals and serve as role models for them. Training programs for staff have been revised and approved by the Monitor. The training will focus on brain development, conflict resolution, restorative justice, rewarding positive behavior and other skills needed to work successfully with emerging adults. Training has recently begun.

13. Significantly, the ratio of staff to emerging adults in the new units will again be 1 to 15. The staff have been carefully selected from those expressing interest, and Captains and an Assistant Deputy Warden for Building 2 have been chosen with considerable staff input. This approach demonstrates the importance being placed on staff cohesion. Weekend coverage has also been increased.

14. Other steps have also been taken to prepare for the formal start-up of the program. We have abated all conditions that might pose a security threat (e.g., malfunctioning doors and inoperable food slots); painted the units; engaged an outside cleaning company to sanitize the units; and vetted the list of emergent adults who will be placed there. We have also begun to transfer 18- to 21-year-olds into several of the units.

15. In sum, the Consent Judgment provisions relating to emerging adults, have been and remain, front and center.

Dated: New York, New York

March 13, 2024



FRANCIS TORRES